

IN THE MATTER OF THE
THE APPLICATION OF
A. SHAMS PIRZADEH, M.D., ET UX
FOR A ZONING RECLASSIFICATION
FROM D.R. 5.5 TO R.O.
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF FREDERICK ROAD,
95.63' WEST OF CENTER LINE
WADE AVE (303 FREDERICK RD.)
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-90-400
Item #1, CYCLE III
1990

OPINION

This case comes before this Board on Petition for a Reclassification of the above property from D.R. 5.5 to R.O. On September 11, 1990, testimony, exhibits and evidence were received by this Board. At the conclusion of that hearing, a request to submit a documented site plan was granted, and said plan was submitted to the Board on February 19, 1991. Pursuant to the Baltimore County Code, this documented site plan was forwarded to the Planning Board for its review and comments, and those comments have been now forwarded to the Board so that the Board may now render its Opinion and Order in this matter.

Evidence was received from Robert E. Spellman, Civil Engineer and land surveyor, as to the subject property, 303 Frederick Road. This parcel sits on Frederick Road near its intersection with the Baltimore Beltway and has an access to the rear of the property through Wade Avenue and a 20-foot alley. The parking for this location exists in the rear of the property. This site exists on a somewhat small block of Frederick Road from Wade Avenue to Holmehurst Avenue. On that side of Frederick Road, four lots

Case No. R-90-400 A. Shams Pirzadeh, M.D., et ux
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exist, consisting of lot 6, an existing funeral home; lot 5, the 2-1/2 story building subject to this proceeding; lot 4, an existing dwelling, however used as an office; and lot 3, an existing building recently granted R.O. zoning. Mr. Spellman further indicated that the surrounding area on Frederick Road is a mixture of D.R. and R.O. zoning. Photographs of the property and surrounding area were submitted to the Board.

The property owner, Dr. Shams Pirzadeh, indicated that he would occupy this building as a medical office with no major renovation either inside or outside of this structure. It should be noted that Dr. Pirzadeh currently has his office a short distance away at 405 Frederick Road. William P. Huey, a Baltimore County Planner, testified that this property was considered during the 1988 map process and R.O. zoning for this site was rejected by the County Council. Mr. Huey further stated that the Catonsville plan seeks to maintain the residential character of the neighborhood; however, he indicated that office use of this site is appropriate as long as it keeps its residential appearance.

Before the Board at that time was the Petitioner's site plan, an open site plan, leaving open the possibility of a Class B office building being placed on that site. Mr. Huey in his opinion believes that the present D.R. 5.5 zoning on that site is not in error.

The Board next convened on February 19, 1991, and received the documented site plan and forwarded same to the Office of Planning & Zoning for its review and comments. On March 28, 1991, the

Case No. R-90-400 A. Shams Pirzadeh, M.D., et ux
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Deputy Director of the Office of Planning & Zoning forwarded his office's comments to the Board.

The Office of Planning & Zoning, in its summary and recommendations, recommends approval of the Petitioner's request, and the Board, after its review of the comments and evidence and site plan, will grant the Petitioner's request for reclassification from D.R. 5.5 to R.O. With this change in zoning classification, the Board finds as a matter of fact that the Baltimore County Council erred by not rezoning the subject property to R.O. in the 1988 map process. The Board finds the immediate surrounding area as an area which has become office type in its current existence and feels that the residential classification no longer fits the character, existence and uses of that neighborhood.

Although this Board grants the reclassification, the Board shall attach further conditions upon the documented site plan which will be specifically detailed in the following Order.

ORDER

IT IS THEREFORE this 26th day of July, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification of the .27 acre from D.R. 5.5 to R.O. be and the same is hereby GRANTED subject to the following conditions:

1. The applicant shall submit a landscape plan to the deputy director of the Office of Planning & Zoning prior to the issuance of any permits.
2. A CRG review will be required for the development of this project.
3. The petitioner shall not apply for any variances to sign

Case No. R-90-400 A. Shams Pirzadeh, M.D., et ux
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requirements.

4. The documented site plan shall be amended to include the following:

- a. Show sign detail
- b. Indicate all principal uses
- c. Indicate hours of operation
- d. Indicate maximum number of employees

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Arnold B. Foreman, Acting Chairman

Lynn B. Moreland

John G. Disney

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R.O. zone to an R.O. zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

First Election District, First Councilmanic District
and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(301) 788-2422

Legal Owner(s):

A. Shams Pirzadeh, M.D.

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(301) 788-2422

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John P. Reiss, Esquire

Name 623 Edmondson Avenue

Baltimore, MD 21228

Address

Phone No.

301-788-2422

301-788-2422

301-788-2422

301-788-2422

301-788-2422

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R.O. zone to an R.O. zone; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

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(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

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City and State

Attorney's Telephone No.:

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Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John P. Reiss, Esquire

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#1
R-90-400

SPIDMAN LARSON
& ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING
103 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
829-3535

ROBERT E. SPELLMAN, P.E.
JOSEPH L. LARSON
HENRY M. APPL

DESCRIPTION FOR ZONING RECLASSIFICATION

303 FREDERICK ROAD, FIRST DISTRICT, BALTIMORE COUNTY, MD

Page 1

Beginning for the same at a point on the south side of Frederick Road at the distance of 75.63 feet measured westerly along the south side of Frederick Road from the west side of Wade Avenue and running thence and binding on the south side of Frederick Road South 78 Degrees 31 Minutes West 75.00 feet thence leaving the south side of Frederick Road and running South 11 Degrees 45 Minutes East 160.00 feet to the centerline of a twenty foot alley and running thence and binding on the centerline of said twenty foot alley North 78 Degrees 31 Minutes East 75.00 feet thence leaving the centerline of said twenty foot alley and running North 11 Degrees 45 Minutes West 160.00 feet to the place of beginning.

Containing 0.2755 acres of land, more or less.

3/1/90



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION



PEOPLE'S COUNSEL'S LIST OF EXHIBITS

The Recommended Baltimore County Comprehensive
Zoning Map, Log of Issues, June 28, 1988, 1
A Report by the Baltimore County Planning Board
for Public Hearings by the Baltimore County
Council 4
Baltimore County Council Minutes, October 13, 1988 4
Report by the Baltimore County Planning Board
to the Baltimore County Board of Appeals
Zoning Reclassification Petitions, Cycle III,
1990, July 31, 1990 5

**THE RECOMMENDED
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP**

Log of Issues: June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

**THE RECOMMENDED
BALTIMORE COUNTY
COMPREHENSIVE ZONING MAP**

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

[illegible]

- 4 -
BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 19
JANUARY 13, 1988 7:00 P.M.

The meeting was called to order by Chairman Volz at 7:30 P.M. The Chairman then asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 200 persons in attendance and the following persons were present:

members were present:

MELVIN G. MINTZ
C.A. DUTCH RUPPERSBERGER, III
BARBARA F. BACHUR
NORMAN W. LAUENSTEIN
WILLIAM R. EVANS
ERIC T. VOLZ

SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

DALE T. VOLZ

B. CALL OF BILLS FOR FINAL READING AND VOTE.

B. CALL OF BILLS FOR FINAL READING AND VOTE.

BILL NO. 144-88, Comprehensive Zoning Maps - First District, was called. Councilman Volz moved to accept the planning board's recommendation on the following bills: 1-027, 1-028, 1-030, 1-031, 1-032, 1-033, 1-034, 1-035, 1-036, 1-037, 1-038, 1-039, 1-040, 1-041, 1-042, 1-043, 1-044, 1-045, 1-046, 1-047, 1-048, 1-049, 1-050, 1-051, 1-052, 1-053, 1-054, 1-055, 1-056, 1-057, 1-058, 1-059, 1-060, 1-061, 1-062, 1-063, 1-064, 1-065, 1-066, 1-067, 1-068, 1-070, 1-071, 1-072, 1-073, 1-074, 1-075, 1-076, 1-077, 1-078, 1-079, 1-080, 1-081, 1-082, 1-083, 1-084, 1-085, 1-086, 1-087, 1-088, 1-089, 1-090, 1-091, 1-092, 1-093, 1-094, 1-095, 1-096, 1-097, 1-098, 1-099, 1-100, 1-101, 1-102, 1-103, 1-104, 1-105, 1-106, 1-107, 1-108, 1-109, 1-110, 1-111, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-120, 1-121, 1-122, 1-123. Councilman Volz stated the motion and these issues were passed unanimously by the six Councilmembers present.

C. THE FOLLOWING CHARGES IN THE FIRST

Chairman Volz then moved for the following changes in the First District Comprehensive Zoning Map:

Issue 1-001 from RO to DR 5.5. Motion was seconded by Councilwoman Bachur and passed unanimously by the six Councilmembers present.. Motion was seconded by

Issue 1-009 from BL to DR 3.5. Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Issue 1-010 from DR 10.5 to DR 10.5 and RO as shown on the overlay. Motion was seconded by Councilman Ruppertsberger and passed by six Councilmembers present.

Issue 1-021 from RO to RO and DR 5.5 as shown on the overlay.
Motion was seconded by Councilman Evans and passed unanimously by the six Councilmembers present.

Motion was seconded by Councilman Rippersberger and passed unanimously by the six Councilmembers present.

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

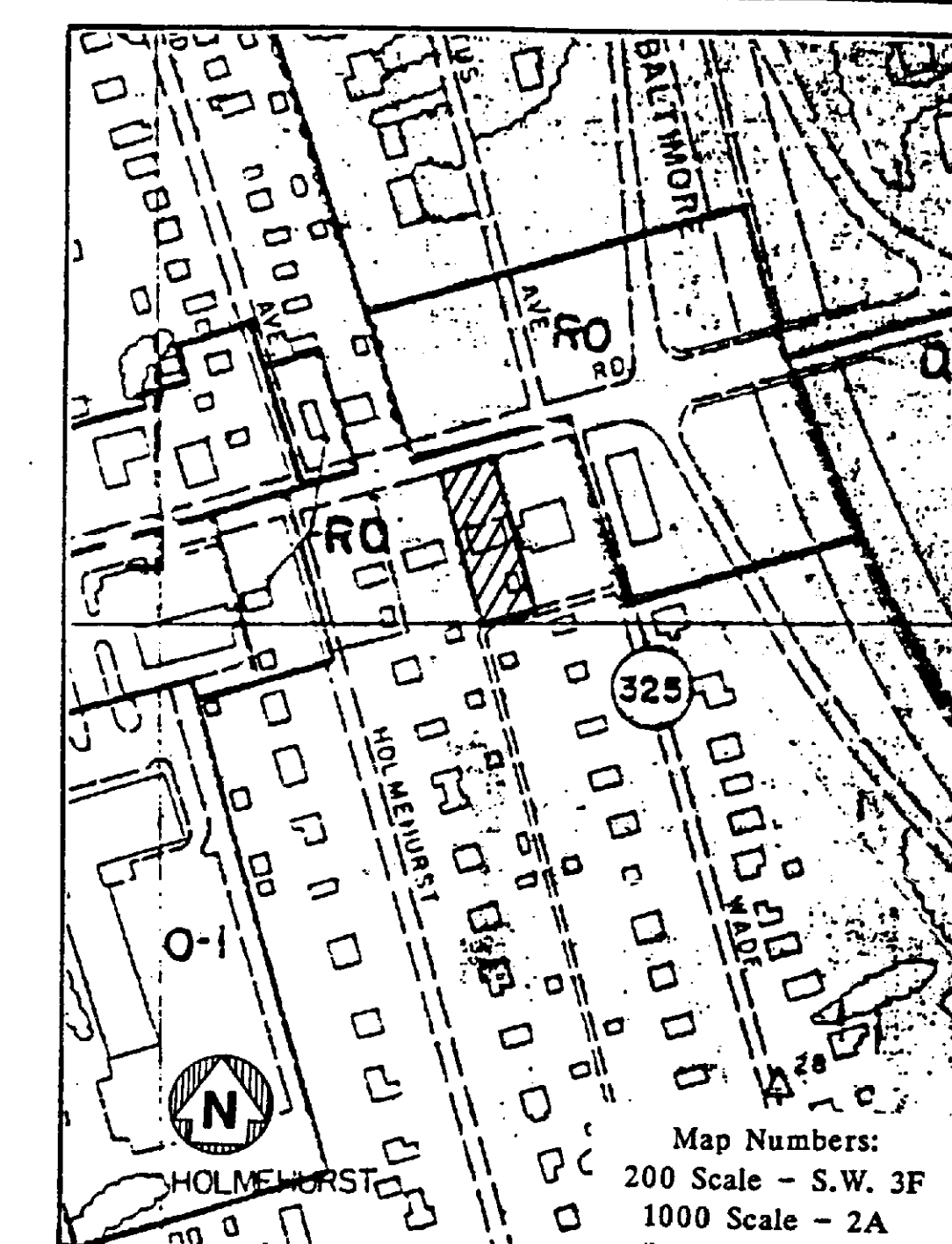
July 31, 1990



Dennis F. Rasmussen
County Executive

<div style="text-align: center;"> -6- <u>RECOMMENDATIONS OF THE OFFICE OF PLANNING AND ZONING</u> <u>AND THE PLANNING BOARD</u> <u>July 31, 1990</u> </div>						
ITEM NO. and PROPERTY OWNER	LOCATION	ACREAGE	EXISTING ZONING	REQUESTED ZONING	OPZ RECOMMENDATION	PLANNING BOARD
ITEM NO. 1 A. Soome Piradeh, MD et ux, R-90-402; 9/11/90	S/S Frederick Rd, 95.63' W. of centerline of Wade Ave. (303 Frederick Rd)	0.27	D.R. 5.5	R.O.	D.R. 5.5	D.R. 5.5
ITEM NO. 2 Development Realty Company CR-90-401; 9/19/90	E/S Alexander Ave., 232' E. of centerline Baltimore Met'l Pike (46038 Baltimore Met'l Pike, Cinema West Shopping Center)	.1114	D.R.5.5	B.R.	B.R.	B.R.
ITEM NO. 3 J.R. Development Corp. R-90-402; 9/25/90	S/S Johnnycake Rd, 310' + 1250' W. of Fairbrook Rd; also 1600' + 2119' E. respectively to beg. pks.	0.75 (D.R.5.5) D.R.10.5	D.R.5.5/ D.R.10.5	0-2	0-2	0-2
ITEM NO. 4 Estate of Sol Goldman CR-90-403 XXIII; 9/26/90 Crown Central Petroleum Corp	N/W cor. Liberty & Brentwood hds (48716 Liberty Rd)	0.733	B.L.-C.C.C.	B.L.-C.S.A. or B.L.-C.W.S.	B.L.-C.S.A. or B.L.-C.W.S.	B.L.-C.S. or B.L.-C.W.
ITEM NO. 5 Franklin Blvd, Ltd. Partnership/ Continental Realty Investors Corp. - R-90-404-1x; 10/3/90	NW/2 Cherry Hill Lane, 4200' S of centerline Taracon Rd. Ext.; also SE/S Franklin Blvd	.19	D.R. 2	R.O.	D.R. 2	D.R. 2
ITEM NO. 6 J.F.O. Holding Corp. c/o John F. Owings R-90-405; 10/10/90	SE/S Cherry Hill Rd West, and Franklin Blvd, 180' SW of Taracon Rd	1.415E (.501 acre)	D.R. 2	D.R. 5.5	.501 acre parcel D.R. 2	D.R. 2
		D.R. 3.5 (.709 acre)	D.R. 5.5	D.R. 5.5	.709 acre parcel D.R. 5.5	D.R. 5.5
		D.R. 5.5 (.205 acre)	D.R. 16	D.R. 16	.205 acre parcel D.R. 16	D.R. 16
ITEM NO. 7 State Highway Administration R-90-406; 10/16/90 Towse Center Associates A & B	N/2 S-750', 505' E. centerline Painters Mill Road	0.95	N.L.	B.M.	N.L.	B.M.

CYCLZONL/TXTGG
7/31/90



ITEM NUMBER 1

Location of Property Under Petition

Scale: 1"=200

CASE NO. R90-400

PETITIONER

A. Shams Pirzadeh, M.D.

REQUESTED ACTION

Reclassification to R-O. (Residential Office)

EXISTING ZONING

D.R.5.5 (Density Residential 5.5 dwelling units per acre)

LOCATION

Southside Frederick Road, 95.63 ft. west of the centerline of Wade Avenue (303 Frederick Road)

AREA OF SITE

0.27

ZONING OF ADJACENT PROPERTY/USE

North - R-O, Vacant parcel
South - D.R.5.5, Detached single family residential
East - D.R.5.5, Funeral home
West - D.R.5.5, Doctor's office

SITE DESCRIPTION

The parcel is improved with an unoccupied single-family frame dwelling in fair condition. A significant amount of open space exists to the front and rear of the existing house.

PROPERTIES IN THE VICINITY

The site is part of the original Holmehurst subdivision. The Petitioner's property is bounded on three sides by D.R. 5.5 zoning. Directly east of the site is a funeral home which is permitted by special exception in a residential zone. The residence located west of the site is currently utilized as a doctor's office which is also permitted by special exception in a residential zone. The Holmehurst subdivision is characterized by well maintained detached single-family homes, and is located south of the site. A vacant R-O zoned parcel is located north of the site.

WATER AND SEWERAGE

The parcel is served by public water and sewer. The area is designated as a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

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CYCLE III, ITEM 1

A. Shams Pirzadeh, M.D.
Case No. R90-400, Cycle III, Item 1
Page 3

PROPOSED VS. EXISTING ZONING

Regulations governing the R-O zone may be found in Section 203 of the Baltimore County Zoning Regulations. Section 11301.1.A outlines the provision of the D.R. zones.

The R-O zone was created to accommodate houses converted to office buildings (Class A) and small (Class B) office buildings in predominately residential areas on sites adjacent to commercial activity, heavy traffic or other similar factors which can no longer be restricted solely to residential uses. Buildings and uses in R-O should be compatible with nearby residential properties.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION

The Petitioner has submitted an open plan indicating a surveyed outline of the property.

Based upon an analysis of the property, staff recommends "DENIAL" of the Petitioner's request due to the fact that staff requires more information to adequately review the subject request than the open site plan provides. This office suggests that the Petitioner submit a documented site plan to determine whether 1) a Class "A", or Class "B" building is anticipated; 2) architectural elevations are compatible; 3) adequate landscaping and buffer is being provided. Also, the provision of a documented site plan would assist staff in addressing concerns such as parking calculations and other general site requirements.

PLANNING BOARD RECOMMENDATION

The Planning Board recommends that the Petitioner's request be denied.

CYCZNR90.400/CYCLE

14

Cases Pending -- Set or to be set for hearing

R-90-400 A. Shams Pirzadeh, MD Reclss -D.R. 5.5 (Geiss
2/19/91 S/S Frederick Rd, 95.63' to R.O. fd 3/01/90
doc site plan W of c/1 Wade Ave 1st E; 1st C
303 Frederick Road
Continued on record 9/11/90; testimony, exhibits and evidence taken;
Petitioner submitted documented site plan on the record on 2/19/91;
documented plan forwarded to Planning 2/19/91 for PB review; Board to rule
after Planning Board review of documented plan. (per AGF)

To be reviewed by Board - 4/14/91

CASE NO. R90-400

CYCLE III, ITEM 1

PETITIONER:

A. Shams Pirzadeh, M.D.

REQUESTED ACTION:

Reclassification to R-O (Residential Office)

EXISTING ZONING:

D.R.5.5 (Density Residential 5.5 dwelling units per acre)

LOCATION:

Southside Frederick Road, 95.63 ft. west of the centerline of Wade Avenue (303 Frederick Road)

AREA OF SITE:

0.27

ZONING OF ADJACENT PROPERTY/USE:

North - R-O, Vacant parcel
South - D.R.5.5, Detached, single-family residential
East - D.R.5.5, Funeral home
West - D.R.5.5, Doctor's office

SITE DESCRIPTION:

The parcel is improved with an unoccupied single-family frame dwelling in fair condition. A significant amount of open space exists to the front and rear of the existing house.

PROPERTIES IN THE VICINITY:

The site is part of the original Holmehurst subdivision. The petitioner's property is bounded on three sides by D.R.5.5 zoning. Directly east of the site is a funeral home which is permitted by special exception in a residential zone. A residence located west of the site is currently utilized as a doctor's office which is also permitted by special exception in a residential zone. The Holmehurst subdivision is characterized by well maintained detached single-family homes, and is located south of the site. A vacant R-O zoned parcel is located north of the site.

WATER AND SEWERAGE:

The parcel is served by public water and sewer. The area is designated as a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

887-3353

April 5, 1991

111 West Chesapeake Avenue
Towson, MD 21204

John P. Geiss, Esquire
623 Edmondson Avenue
Baltimore, MD 21228

RE: Compliance with Sections
258.1(d)(1), B.C.C. and Board of
Appeals Rules of Practice and
Procedure, Rule 49
Revised Reclassification Petition
Item #1 (Cycle IV), Case #R-90-400
Petitioner: A. Shams Pirzadeh, M.D.
Frederick Road, 75.63' W of Wade Ave.

Dear Mr. Geiss:

Reference is made to the above Sections of the Baltimore County Code that includes a requirement that this office review cycle reclassification petitions for the Board of Appeals for compliance with the applicable statutes and regulations.

The following technical comments must be addressed for acceptance of the revised petition by this office:

1. Comply with all guidelines for preparation of reclassification petitions which are in heavy underline (copy attached).
2. Clarify if this use is proposed in an existing single family dwelling and if the building will be defined as a Class "A" or Class "B" office building in an R.O. zone (see Section 203.4, .5 and .6, B.C.Z.R.).

01-2-11 11:28:15

STANDARD BUSINESS FORMS

A. Shams Pirzadeh, M.D.
Case No. R90-400, Cycle III, Item 1
Page 3

PROPOSED VS. EXISTING ZONING:

Regulations governing the R-O zone may be found in Section 203 of the Baltimore County Zoning Regulations. Section 1801.1.A outlines the provision of the D.R. zones.

The R-O zone was created to accommodate houses converted to office buildings (Class A) and small (Class B) office buildings in predominately residential areas on sites adjacent to commercial activity, heavy traffic or other similar factors which can no longer be restricted solely to residential uses. Buildings and uses in R-O should be compatible with nearby residential properties.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

The applicant has submitted a document site plan. The plan indicates that an existing 2-1/2 story, detached single-family dwelling will remain. The proposal of a Class A office building is preferable to a Class B building because the retention of the existing structure would ensure compatibility with the existing housing stock of the Holmehurst subdivision.

Vehicular access to Wade Avenue will be provided by way of an existing 20 ft. wide macadam alley. A total of eight off-street parking spaces are also indicated on the plan.

Based upon the analysis of the petitioner's documented plan, the Office of Planning and Zoning recommends approval of the applicant's request. Staff has included a list of conditions that should be attached to the petitioner's request if granted. The issue of finding error with the existing zoning, however, will be incumbent upon the petitioner to prove.

DOCUMENTED SITE PLAN

Should the Board of Appeals grant the petitioner's request, the following conditions regarding the site plan should be attached:

1. The applicant shall submit a landscape plan to the deputy director of the Office of Planning and Zoning prior to the issuance of any permits.
2. A CRG review will be required for the development of this project.
3. The petitioner shall not apply for any variances to sign requirements.

Baltimore County Government
Office of Planning and Zoning



887-3211
Fax 887-5862

401 Bosley Avenue
Towson, MD 21204

TO: William T. Hackett, Chairman DATE: March 27, 1991
Baltimore County Board of Appeals

FROM: Arnold P. "Pat" Keller, III, Deputy Director
Office of Planning and Zoning

SUBJECT: Documented Site Plan
Case #90-400, Cycle III, Item 1, Manor Tavern

Pursuant to Section 2-58-1(m) of the Baltimore County Code, a documented site plan was referred by the Board of Appeals to the director of the Office of Planning and Zoning. Following Planning Board consideration, a recommendation regarding the above-mentioned case is offered herewith.

Pat Keller
Arnold P. "Pat" Keller, III
Deputy Director

APR11/JL/cmm
CVR/LTR/CYCLE

Attachment

LC-6 11 02 11:16

STANDARD BUSINESS FORMS



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. January 28, 1991

*** CORRECTED NOTICE OF ASSIGNMENT ***

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(D). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(C), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-400 A. SHAMS PIRZADEH, M.D., ET UX
Item #1, III, 1990 S/S Frederick Rd., 95.63' W of c/1
Wade Avenue (303 Frederick Rd.)
(Cont'd from 9/11/90- 1st Election District
Documented Site Plan to 1st Councilmanic District
be submitted) * Reclassification: from D.R.5.5 *
to R.O.

ASSIGNED FOR: TUESDAY, FEBRUARY 19, 1991 at 9:30 a.m.

cc: John P. Geiss, Esquire Counsel for Petitioner

A. Shams Pirzadeh, M.D., et ux Petitioners

James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

John P. Geiss, Esquire
April 5, 1991
Page 2

- A. If Class "B", a special exception public hearing is also required as part of the reclassification.
- B. If a Class "A", then all requirements of the Class "A" Office Building checklist must be included on the plan unless previously addressed by other comment requirements.
3. Advisory Note: The Bureau of Traffic Engineering should be contacted as soon as possible concerning the acceptability of the 20 ft. alley access to the off-street parking on the site. Plan revisions and additional zoning public hearings may be necessary if this access is not permitted.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John P. Geiss
John P. Geiss
Planner II

JLL:scj

cc: A. Shams Pirzadeh, M.D.
Kathy Weidenhiller, Board of Appeals
Pat Keller, Planning Office
J. Robert Haines, Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator

BALTIMORE COUNTY BOARD OF APPEALS
GUIDE FOR PREPARATION OF RECLASSIFICATION PETITIONS

Each petition request should include:

- (1) Three completed typewritten petition forms, indicating the existing and requested zoning; the special exception use, if applicable, and if applicable, the section number of the Baltimore County Zoning Regulations from which a variance is requested, as well as the extent of the variance requested. All forms must be signed by the petitioner or his legally authorized representative.
- (2) Seven copies of the property description, prepared by a surveyor or civil engineer.
- (3) Three copies of an explanation of the reasons why, in the petitioner's opinion, the reclassification sought should be made, set forth in sufficient detail to properly advise the county authorities required to review the petition, of the petitioner's case. Any allegation of change in conditions as justification for the action sought shall be supported in the petition by precise description of such change, and any allegation of error shall be so supported in similar detail and as further required by Article V, Section 2-40.1.J. of the Baltimore County Code.
- (4) Three xerox copies each of that part of the appropriate official 1" = 200' and 1" = 1,000' scale zoning maps, with the outline of the property to be reclassified indicated thereon.
- (5) The appropriate filing fee should accompany the petition request. However, the advertising and posting cost should be paid at the Zoning Commissioner's office as soon after billing as possible. Opinions may not be issued until all such costs are paid. (Checks should be made payable to Baltimore, County, Maryland).
- (6) Twelve copies of a site plan, the boundaries and location of which have been certified by a registered surveyor or professional (civil) engineer. Said site plan shall include all applicable items on the checklist for reclassification petitions, as required below.
- (7) If said petition includes documentation relating to the proposed use and development of the property, that documentation must include the following information:
 - (a) An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Regulations (see page 3, Bill No. 98-75), that concerns the proposed use of the property under petition and that has been competently prepared by a professional engineer or planner of appropriate qualifications.
 - (b) All information on the following checklist:

BABC - Form 2
Page 1 of 4

(c) If a precise building envelope is used in lieu of the exact positioning of the building(s) on the site plan, the proposed buildings' floor plan and elevation, including character and exterior materials must be shown elsewhere on the site plan or on attached plans, together with other documentation required in the aforementioned checklist. Said envelope may be larger than the actual proposed building, but must be precise enough in size and location to allow for a complete functional site layout, including but not limited to: entrances, driveways, parking and loading facilities, paved areas, proposed landscaping, screening, and major vegetation to be retained, etc.

(d) No such petition may be accepted for filing unless it complies with these rules of practice and procedure, and all other pertinent zoning laws and regulations, except that the petitioner may choose to submit plans that do not show any proposed use of the property under petition, regardless of any requirement in these rules to the contrary. If an intended use is not indicated, the site plans must indicate only the first eight (8) items on the following checklist.

BABC - Form 2
Page 2 of 4

CHECKLIST FOR INFORMATION TO BE SHOWN ON SITE PLANS FOR
RECLASSIFICATION PETITIONS

1. North arrow (indicating the direction of north).
2. Scale of drawing (engineer's scale).
3. Election District and Councilmanic District.
4. Dimensions of property (including bearings). Parcel under petition should be in bold outline.
5. Relation of tract in question to additional property owned and ownership of all adjacent properties.
6. Area of property in question (acres or square feet).
7. Distance from property line (corner) to nearest intersecting street or County road.
8. Present and proposed zoning of property under petition and adjoining properties.
9. Use, locations, coverage, floor areas, heights (including elevation drawings), dimensions, character and exterior materials of all proposed and existing structures to be retained. Also, all existing structures to be removed must be indicated.
10. Location and use of all principal building(s) within a distance of 200 feet from each joint side property line. Distance from said buildings to centerline of street must be shown in order to determine front setback line of proposed building(s) on subject site.
11. Hours of operation, maximum number of employees, and maximum levels of vibrations (including sound and other vibrations, dust, odors, gases, and light and heat). In cases where method of operation is not obvious, an explanation of same must be provided (i.e. proposed nursery school should include days and hours of operation, maximum number of teachers and students, method of transportation, etc.).
12. Existing and proposed public and quasi-public facilities on and adjacent to the site, including storm-drain systems, water lines, sewerage, streets and drives, and railroad sidings. In the event public water and/or sewer do not exist, location of private system must be indicated.
13. Existing ponds, streams, natural drainage courses and other bodies of water, watercourses, 100-year flood plains, major vegetation, unusual natural formation, and proposed changes with respect to any of these.
14. Dimensions of existing and proposed right-of-way and types of paving of any street adjacent to site.

BABC - Form 2
Page 3 of 4

- 3 -

15. Location and width of proposed ingress and egress, and all interior circulation of traffic.
16. Parking and loading facilities: All parking facilities must be a minimum of 9' x 20' and must be paved with tar and chip, macadam, bituminous concrete, or similar durable and dustless surface. A curb not less than 8" wide and 6" high, railroad ties or concrete bumper blocks must be provided around the entire parking lot. All spaces must be setback a minimum of 10' from the street right-of-way.
17. Screening (minimum 4' high) of on-site parking facilities, including drives, by a wall, slatted fence, or compact planting when adjoining or facing the side or rear lot line of residential or institutional premises, or when they are across the street from such premises. Landscaping, as required by the Office of Current Planning (687-3335), must also be provided.
18. Existing topography and proposed major changes in grade.
19. Dimension and content of all signs visible outdoors.
20. Buildings must meet building code as well as fire code requirements with regard to type of construction, windows, etc.
21. Location of all existing and proposed fire hydrants.
22. A sealed location plan, inserted on the site plan, must reflect the outline of the parcel in question.
23. All site plans must be folded to an approximate size of 8-1/2" x 11" with clear distinct lettering.

In order to alleviate any future delays, prior to preparing the required plan, the petitioner or his engineer should contact the Zoning Office and the following agencies and/or State agency, if located on a State road, for pertinent information that may be required:

Bureau of Engineering 494-3754
Bureau of Traffic Engineering 494-3554
Health Department 494-2762
Office of Current Planning 494-3335
State Highway Administration 659-4350
Department of Permits & Licenses 494-3987
Fire Department 494-3985

BABC - Form 2
Page 4 of 4

- 4 -

BALTIMORE COUNTY, MARYLAND
CHECKLIST FOR THE MINIMUM INFORMATION TO BE SHOWN ON SITE PLANS
FOR COMMERCIAL PERMIT APPLICATIONS FOR
CLASS "A" OFFICE BUILDING

NOTE: Even if a waiver from a County Review Group (C.R.G.) hearing or C.R.G. Plan is granted, all of the following must be included on the building permit site plans prior to application acceptance:

1. North Arrow, Election District, County Council District, Title of Plan - "Site Plan For Class 'A' Office Building", Date and Name, Address and Phone Number of person preparing the plan. Include the same information for the owner.
2. Scale of Drawing 1"=10', 20', 30', 40', 50', 1,000'.
3. Outline of Property, Bearings, Distances and Gross and Net Area.
4. Vicinity Map (accurate) 1"=200', 500', 1,000'.
5. Previous permits - on property - permit numbers, control numbers, residential and commercial.
6. Reference - previous zoning hearings, C.R.G. hearings and waivers including the dates, orders and restrictions included and addressed.
7. Zoning - include zoning on property and adjacent properties with zone lines accurately shown as per the official 1988 200 scale zoning map.
8. Location - street address and distance from nearest improved intersecting street centerline.
9. Street widening, paving width and R/W widths.
10. Entrance locations and width of existing and/or proposed entrances (traffic channelization). Method of channelization (curbing, R/W ties). Show circulation pattern and lot measurements.
11. Uses, buildings - proposed uses of buildings; existing use of buildings adjacent and on-site. If office use, specify "General" or "Medical" (See #19).
12. Dimensions and setbacks of existing buildings from property lines and street right-of-way and centerline.
13. Signs - (Existing and Proposed) Dimensions, square footage, type of sign, location on building elevation and note "no illumination". One 8 sq. ft. non-illuminated building sign is permitted. If on a principal arterial street and no residential zones or uses adjacent - 1 additional 15 sq. ft. R/W, non-illuminated sign is permitted.
14. Buffers or Barriers to differentiate Residential and Commercial uses and zones and zone lines (see Landscape manual).
15. Method of Landscaping - trees, fencing, etc.
16. Hours of operation and maximum number of employees (total and by floor).
17. Scale Architectural Elevation Drawings for all sides of buildings or 3"x10" photos of all sides. In either case all sides must be labeled (North, South, East and West).
18. Floor Plans with dimensions and square footage with use areas identified (Example: storage, kitchen, gen. office, bathrooms, medical office).
19. Type of Office - General or Medical (If general, list type - Real Estate, Law, Insurance, etc.). (No more than 25% of the total adjusted gross floor area of the office building may be occupied by medical offices.)
20. Off-street parking - Show each parking space with typical spacing dimensions and adequate turnaround space. Include anchored wheel stops and dimensions. All required off-street parking shall be located on the same lot and should be located in the side or rear yard. Calculations must be included as General Office (3.3 spaces/1,000 sq. ft.), Medical (4.5 spaces/1,000 sq. ft.), and 2 spaces per residential dwelling unit.
21. Paving Type - must be a durable, dustless surface. (Bituminous surface, concrete, Bituminous concrete) Indicate type.
22. Note on the Plan: The dwelling has not been enlarged in floor area by 10% or more within a period of five years prior to the date of application for change or conversion. (See S.203.6 (B.C.C.P.) and Zoning Policy SM-11.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

P. David Fields, Director Date: February 19, 1991
TO: Office of Planning & Zoning
FROM: Arnold G. Foreman, Acting Chairman
County Board of Appeals
SUBJECT: Amended (Documented) Site Plan Submitted /
Case No. R-90-400 / A. Shams Pirzadeh, M.D., et ux

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the documented plan submitted to the County Board of Appeals at a public hearing on February 19, 1991. These are being forwarded to you for processing with the Baltimore County Planning Board.

By copy of this memorandum, we are also forwarding a copy of this amended plan to the Zoning Office.

S/ 2/19/91
Arnold G. Foreman

Attachment (10 copies of Amended Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/copy of Amended Plan

LETTER OF TRANSMITTAL

SPELLMAN LARSON
& ASSOCIATES, INC.
Suite 107 Jefferson Building
105 West Chesapeake Avenue
TOWSON, MARYLAND 21204
Phone 301-823-3535

TO: BALTIMORE COUNTY BOARD OF
ZONING APPEALS

DATE	February 14, 1991	JOB NO.	90015
ATTENTION			
CASE NO.	R-90-400		
A. Shams Pirzadeh MD			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐

COPIES	DATE	NO.	DESCRIPTION
3	OCT. 15, 1990		PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION

THESE ARE TRANSMITTED as checked below:
☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐

FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS: THESE ARE REVISED PLANS REQUESTED BY THE BOARD AT THE PREVIOUS HEARING.
TWELVE (12) COPIES ARE DELIVERED TO THE ZONING OFFICE.

*10 copies to be submitted on record 4/9/91
1 copy to PC 4/4/91.*

19:11 PM 4/13/91

19:11 PM 4/13/91

COPY TO: ZONING OFFICE 3/13/91
MR. JOHN GEISS, ATTY.

SIGNED: ROBERT E. SPELLMAN

Robert E. Spellman - Refused Surveyor
 Prepared site plan
 10 Copies submitted.
 Existing building to remain

R-90-400
 Exhibits

Relitoner
 Site Plan 10/15/90 by
 Spellman, Larson & Assoc. (10 copies)
 as marked by Relitoner

2/19/91
 @ 9:30 a.m.

A. SHAMS-PIRZADEH, M.D.
 716 MAIDEN CHOICE LANE
 SUITE 301
 BALTIMORE, MARYLAND 21228
 Telephone (301) 788-8000



January 2, 1991.

Arnold Foreman
 County Office Bldg.
 Room 315
 111 W. Chesapeake Avenue
 Towson, MD. 21204

Dear Mr. Arnold,

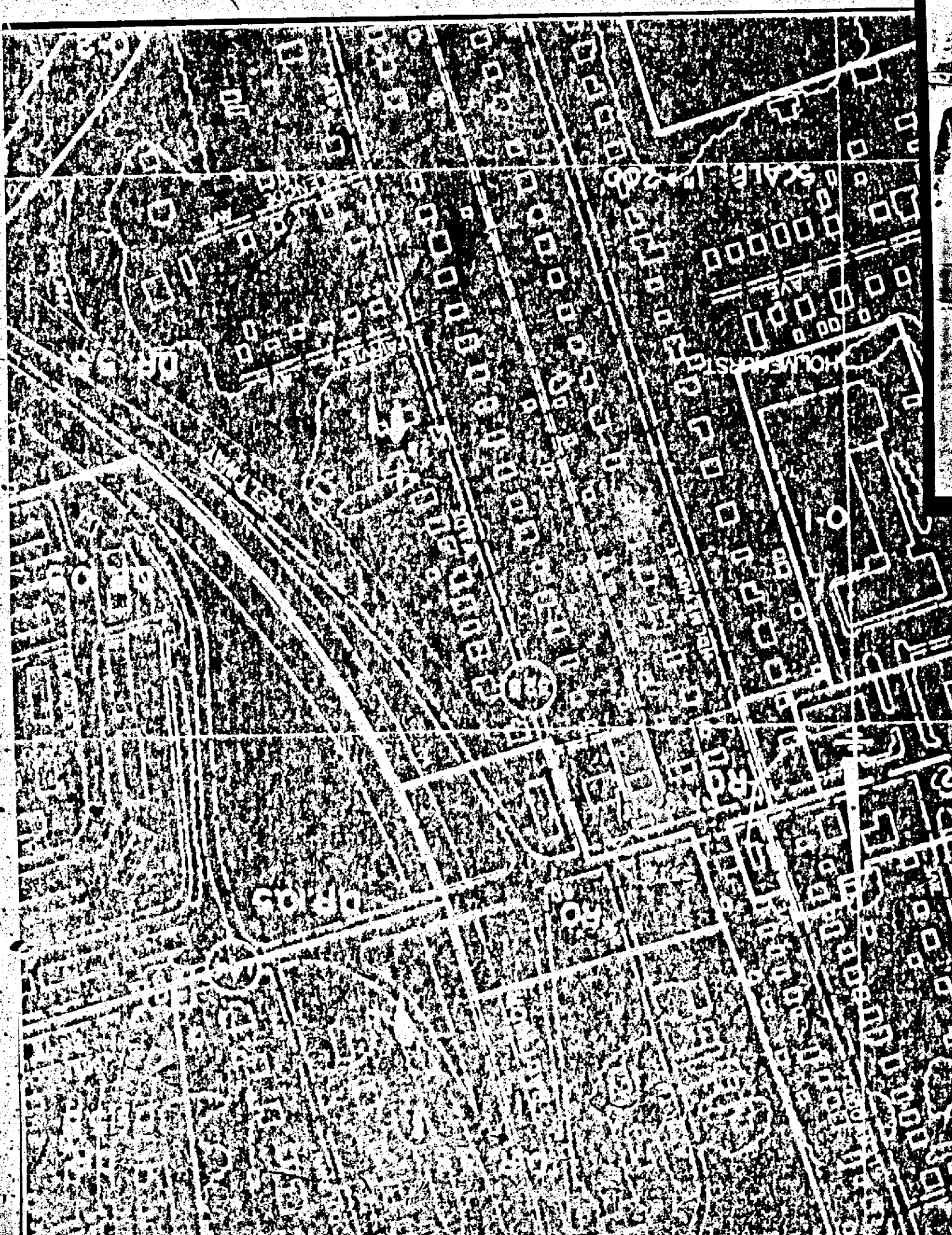
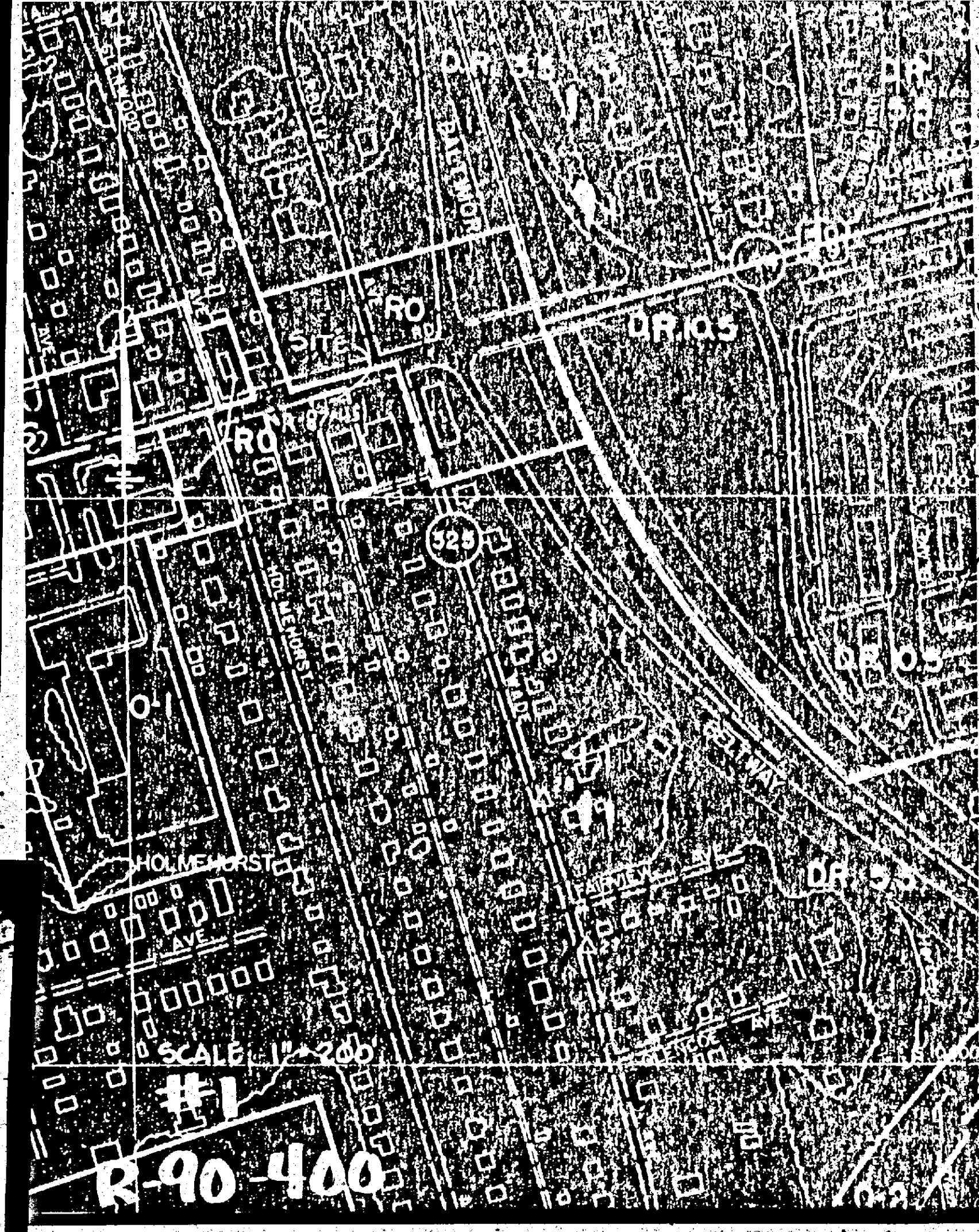
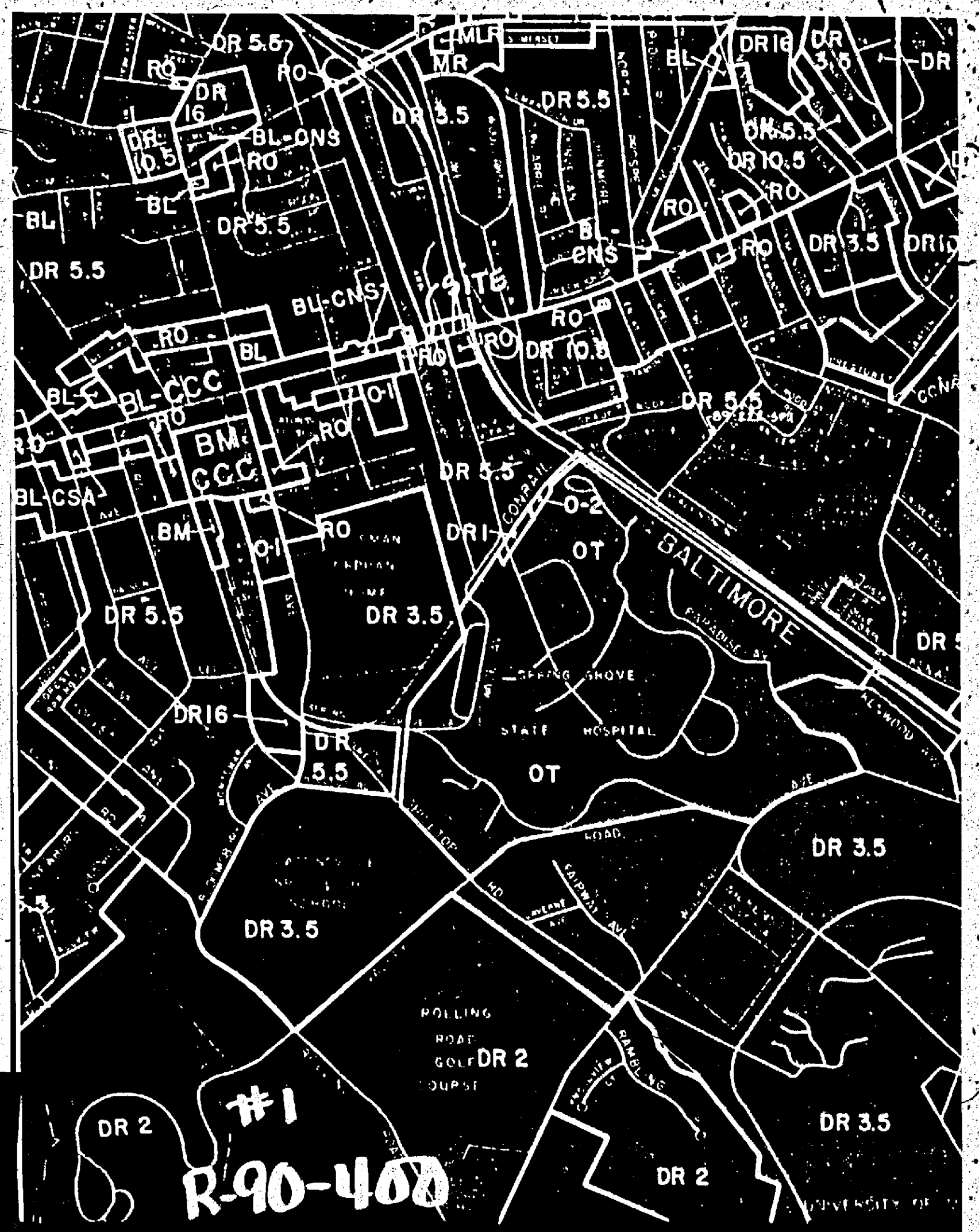
I am asking for a brief hearing to
 present the documented site plan for zoning
 change of 303 Frederick Road, Baltimore, MD.
 21228. Case# R-90-400.

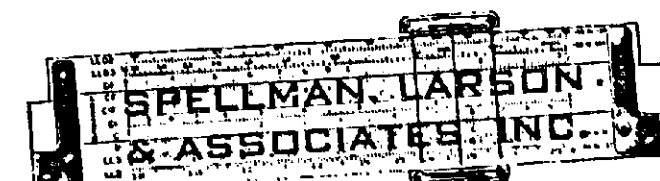
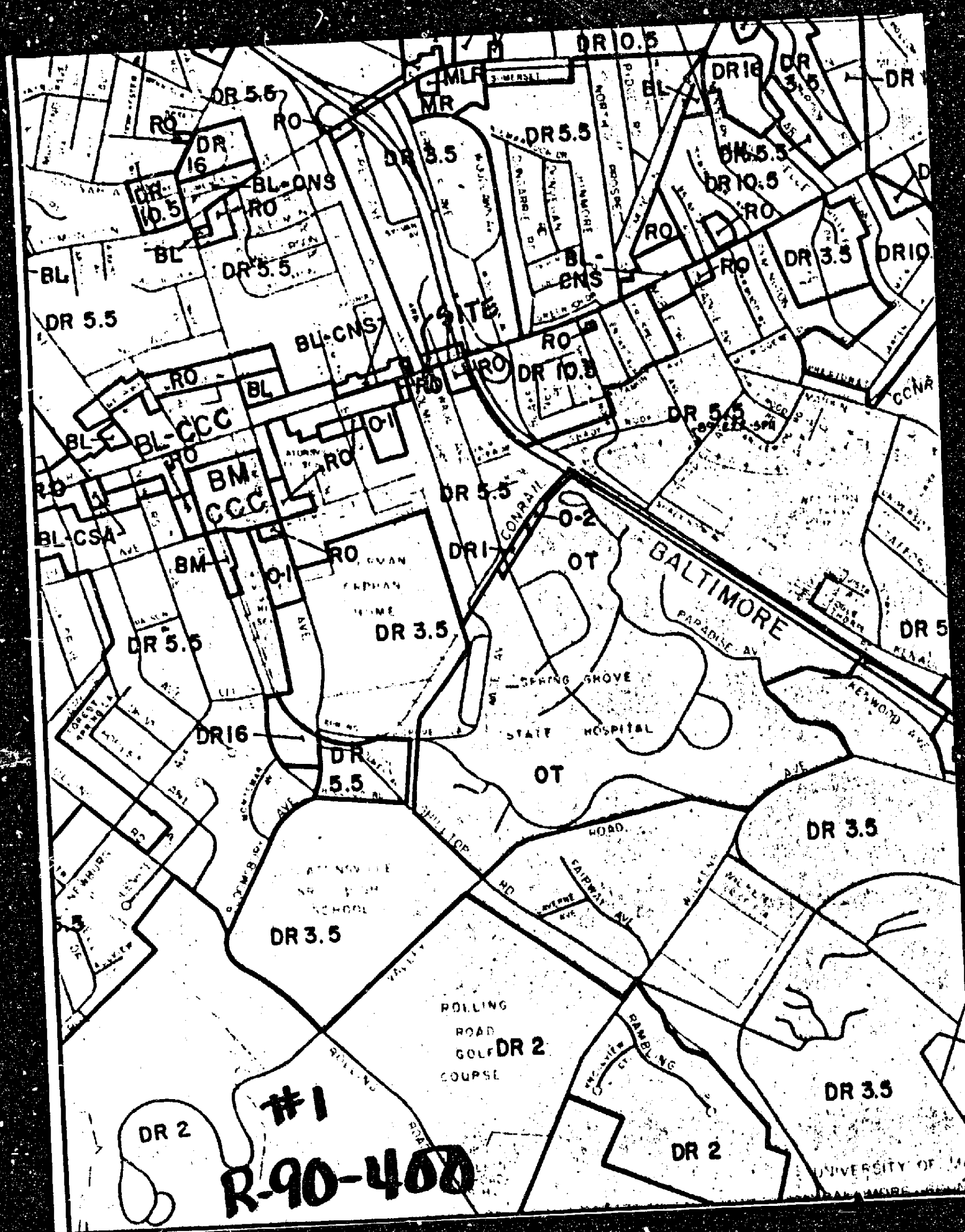
If feasible, any Tuesday would be
 convenient for me.

Sincerely yours,
Shams Pirzadeh
 A. Shams Pirzadeh, M.D.

ASP:kk

RECEIVED
 COUNTY BOARD OF APPEALS
 16 JAN 4 - AM 8:58





SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

HONORARY S. SPELLMAN P.L.S.
JOSEPH L. LARSON
JERRY M. ADEL

DESCRIPTION FOR ZONING RECLASSIFICATION 303 FREDERICK ROAD, FIRST DISTRICT, BALTIMORE COUNTY, MD

Page 1

Beginning for the same at a point on the south side of Frederick Road at the distance of 75.63 feet measured westerly along the south side of Frederick Road from the west side of Wade Avenue and running thence and binding on the south side of Frederick Road South 78 Degrees 31 Minutes West 75.00 feet thence leaving the south side of Frederick Road and running South 11 Degrees 45 Minutes East 160.00 feet to the centerline of a twenty foot alley and running thence and binding on the centerline of said twenty foot alley North 78 Degrees 31 Minutes East 75.00 feet thence leaving the centerline of said twenty foot alley and running North 11 Degrees 45 Minutes West 160.00 feet to the place of beginning.

containing 0.2755 acres of land, more or less.

3/1/90



RESIDENTIAL AND COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

1/10/91 - Following parties notified of hearing set for February 19, 1991 at 9:30 a.m. continued from 9/11/90 for the purpose of submitting a documented site plan:

John P. Geiss, Esquire
A. Shams Pirzadeh, M.D., et ux
James Earl Kraft
People's Counsel for Baltimore County
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

2/19/91 - Documented site plan submitted on record at hearing; forwarded to Planning (10 copies) 2/19/91 w/copy to C. Richards, Zoning; Planning Board to review and comment within 45 days. *Comments sent 3/28/91.*

NOTICE OF HEARING

Petitions for Zoning Re-classification
CASE NUMBER: R-90-400
2/8 Frederick Road, 95.63° W Wade Avenue
303 Frederick Road
1st Election District - 1st Councilmanic
Legal Owner(s): A. Shams Pirzadeh, M.D.

Property Description

Beginning for the same at a point on the south side of Frederick Road at the distance of 75.63 feet measured westerly along the south side of Frederick Road from the west side of Wade Avenue and running thence and binding on the south side of Frederick Road South 78 Degrees 31 Minutes West 75.00 feet thence leaving the south side of Frederick Road and running South 11 Degrees 45 Minutes East 160.00 feet to the centerline of a twenty foot alley and running thence and binding on the centerline of said twenty foot alley North 78 Degrees 31 Minutes East 75.00 feet thence leaving the centerline of said twenty foot alley and running North 11 Degrees 45 Minutes West 160.00 feet to the place of beginning. Containing 0.2755 acres of land, more or less.

Petition to reclassify the property from an DR5.5 to an R.O. zone.

TIME: 10:00 a.m.

DATE: THURSDAY, SEPTEMBER 11, 1990

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

9/11/90 - Testimony, exhibits and evidence received by Board on the record scheduled date of hearing; Petitioner to submit Documented Site Plan on the record at later date; Board to rule upon comment by Planning Board. AGF

JOHN P. GEISS
ATTORNEY & COUNSELOR AT LAW
623 EDMONDSON AVENUE
CATONSVILLE, MARYLAND 21228

(301) 786-3422

FAX (301) 744-8567

March 1, 1990

TO: Baltimore County Board of Appeals
FROM: A. Shams Pirzadeh
RE: 303 Frederick Road

Enclosed please find Petition for Rezoning Reclassification to be filed on behalf of A. Shams Pirzadeh and Gity Shams Pirzadeh, owners of the above property. Enclosed also please find all other documents relative to and necessary to be filed with said zoning reclassification.

During the comprehensive zoning map review of 1988, the issue of the zoning of this block of Frederick Road was raised by the Office of Planning and Zoning in Issue 1-008.

The south side of the 300 block of Frederick Road is zoned DR5.5. On that block there are four buildings/individually owned structures, odd numbered 307 through 301. 301 Frederick Road is currently the site of McNabb Funeral Home, an allowed use by special exception filed in 1971 numbered 71-243-X. 303 Frederick Road is the subject property of this zoning reclassification. 305 Road is the residence of a doctor and her husband. The Frederick Road is the residence of a doctor and her husband. 307 doctor maintains a private pediatric practice at her home. 307 Frederick Road was before this Board in Cycle 1-1989, Item 2, Number R-89-452. On December 1989 this Board reclassified 307 Frederick Road from DR5.5 to R.O. An appeal by the Homeowners Association is currently pending in the Circuit Court for Baltimore County, Number 90-CG-221. The south side of the 300 block of Frederick Road is bordered by Holmhurst and Wade Avenues. The Frederick Road between Wade Avenue and the Beltway is zoned R.O. The R.O property between Wade Avenue and the Beltway is zoned R.O. on all classification exists on the north side of Frederick Road. Other properties adjacent to this property have the classification of O-1 and BL-CNS. The houses immediately behind the subject property and the other houses on the 300 block of Frederick Road are all zoned DR5.5.

The previous owner, Helen M. Culver, used the property for her personal residence. Dr. Pirzadeh purchased the property on May 2, 1988 at public auction from the estate of Ms. Culver.

In addition to the error in the 1988 Comprehensive Zoning Map Process, in not changing this block of Frederick Road to a State Road additional changes have occurred. Frederick Road is a State Road and the property in question is within approximately 300 feet of the entrance to the Baltimore Beltway (Interstate 695). The traffic flow has risen from 16,150 cars per day in 1983 to approximately 22,500 cars per day in 1987. This large amount of traffic flow no longer makes the property viable as a residential property and is a major change in the neighborhood. In addition, the zoning for 307 Frederick Road was changed from DR5.5 to R.O. in 1989.

In conclusion, I believe that the above captioned property, because of the change in traffic flow and because of the change in the zoning for 307 Frederick Road, should be re-zoned to R.O. from DR5.5.

Respectfully submitted,

John P. Geiss
John P. Geiss, Esquire
Attorney for Petitioner

A. SHAMS PIRZADEH, M.D.
CATONSVILLE PROFESSIONAL CENTER
405 FREDERICK RD., SUITE 100
BALTIMORE, MD 21228
TELEPHONE 788-2000

February 26, 1990

Baltimore County Board of Appeals
Baltimore County Office of Planning & Zoning
County Courts Building (Room 406)
Towson, MD 21204

To Whom It May Concern :

I am applying for re-classification of property located at 303 Frederick Road, Baltimore Maryland 21228 from a DR5.5 to an R.O. Zone. My reasons for this change are as follows:

1. This property is located in a highly traffic road, very close to an exit to the Beltway, and it is not appropriate for residential use.
2. This property is adjacent to a funeral home (McNabb Funeral Home, 301 Frederick Road) with significant amount of traffic during funeral services.
3. The Board of Appeals has already granted permission to change the zoning of 307 Frederick Road from DR5.5 to R.O.
4. The property known as 401 Frederick Road has long been used as an office. This office is adjacent to Catonsville Commerce Center which is located at 403 Frederick Road, and also a large office building which is located at 405 Frederick Road.
5. The house across the street from this property known as 310 Frederick Road is also used as an office.

February 26, 1990
A. Shams Pirzadeh, M.D.
page 2.

6. This property is located in the so called "Catonsville Village" which has long been, and is becoming more and more a center for Commerce in this area.

Thank you very much for the consideration of this request.

Sincerely yours,

A. Shams Pirzadeh
A. Shams Pirzadeh, M.D.

ASP:d1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

No 3385

Date

9/11/90

M9100197

PUBLIC HEARING FEES	QTY	PRICE
000 -POSTING SIGNS / ADVERTISING	1 X	\$388.00
TOTAL:		\$388.00

LAST NAME OF OWNER: PIRZADEH

04A0400108NICHPC \$388.00
BA COLL:38A009-11-90

Please make checks payable to: Baltimore County

Cashier Validation:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
P. David Fields, Director Date: February 19, 1991
TO: Office of Planning & Zoning
FROM: Arnold G. Foreman, Acting Chairman
County Board of Appeals
SUBJECT: Amended (Documented) Site Plan Submitted /
Case No. R-90-400 / A. Shams Pirzadeh, M.D., et ux

Pursuant to the appropriate sections of the Baltimore County Code, we are transmitting to you copies of the documented plan submitted to the County Board of Appeals at a public hearing on February 19, 1991. These are being forwarded to you for processing with the Baltimore County Planning Board.
By copy of this memorandum, we are also forwarding a copy of this amended plan to the Zoning Office.

5/2/19/91
Arnold G. Foreman

Attachment (10 copies of Amended Plan)

cc: Pat Keller
W. Carl Richards, Jr. w/copy of Amended Plan ✓

RECEIVED
FEB 20 1991
ZONING OFFICE

RECEIVED FEB 20 1991

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
April 2, 1991
HAND DELIVERED

Gary C. Duvall, Esquire
Miles and Stockbridge
600 Washington Avenue
Towson, MD 21204

RE: Compliance with Section 258.1(d)(1), B.C.C. and Board of Appeals Rules of Practice and Procedure - Rule #9
Revised Reclassification Petition
Item #9 (Cycle IV), Case #CR-91-115
Petitioner: Mark Green/Monor Tavern, Inc.
Old York Road and Monkon Road

Dear Mr. Duvall:

Reference is made to the above sections of the Baltimore County Code that includes a requirement that this office review cycle reclassification petitions for the Board of Appeals for compliance with the applicable statutes and regulations. As you are aware, this office has interpreted that the use documented is not permitted in the R.C.C. zone. A revised petition was filed addressing the use interpretation; however, the technical comments made on March 22, 1991 have not been addressed as of this date.

In order to comply with the required advertising time frames in the zoning law, these comments must be addressed by 4:00 p.m. on April 3, 1991 to be in compliance with the above section. See the attached letter from Gwendolyn Stephens regarding the hearing schedule.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

cc: Bill Monk - HAND DELIVERED
Kathy Weidenhamer, Board of Appeals
Pat Keller, Planning Office
J. Robert Haines, Zoning Commissioner
James E. Dyer, Zoning Supervisor

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
April 5, 1991

John P. Geiss, Esquire
623 Edmondson Avenue
Baltimore, MD 21228

RE: Compliance with Sections 258.1(d)(1), B.C.C. and Board of Appeals Rules of Practice and Procedure, Rule #9
Revised Reclassification Petition
Item #1 (Cycle IV), Case #R-90-400
Petitioner: A. Shams Pirzadeh, M.D.
Frederick Road, 75.63' W of Wade Ave.

Dear Mr. Geiss:

Reference is made to the above Sections of the Baltimore County Code that includes a requirement that this office review cycle reclassification petitions for the Board of Appeals for compliance with the applicable statutes and regulations.

The following technical comments must be addressed for acceptance of the revised petition by this office:

1. Comply with all guidelines for preparation of reclassification petitions which are in heavy underline (copy attached).
2. Clarify if this use is proposed in an existing single family dwelling and if the building will be defined as a Class "A" or Class "B" office building in an R.O. zone (see Section 203.4, .5 and .6, B.C.Z.R.).

February 26, 1990
A. Shams Pirzadeh, M.D.
page 2.

6. This property is located in the so called "Catonsville Village" which has long been, and is becoming more and more a center for Commerce in this area.

Thank you very much for the consideration of this request.

Sincerely yours,

A. Shams Pirzadeh
A. Shams Pirzadeh, M.D.

GITY SHAMS PIRZADEH

Gity Shams Pirzadeh

ASP:d1

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY
FROM D.R. 5.5 TO R.O. ZONE : BOARD OF APPEALS
S/S Frederick Rd., 95.63' W of :
C/L of Wade Avenue : OF BALTIMORE COUNTY
(303 Frederick Rd.)
1st Election District :
1st Councilmanic District : Case No. R-90-400
(Item 1, Cycle III)
A. SHAMS PIRZADEH, M.D., et ux, :
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 24th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to John P. Geiss, Esquire, 623 Edmondson Ave., Baltimore, MD 21228, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RHEUMATOLOGY
A. SHAMS PIRZADEH, M.D.
CATONSVILLE PROFESSIONAL CENTER
405 FREDERICK RD., SUITE 100
BALTIMORE, MD 21228
TELEPHONE 788-2000

February 26, 1990

Baltimore County Board of Appeals
Baltimore County Office of Planning & Zoning
County Courts Building (Room 406)
Towson, MD 21204

To Whom It May Concern :

I am applying for re-classification of property located at 303 Frederick Road, Baltimore Maryland 21228 from a DR5.5 to and R.O. Zone. My reasons for this change are as follows:

1. This property is located in a highly traffic road, very close to an exit to the Beltway, and it is not appropriate for residential use.
2. This property is adjacent to a funeral home (McNabb Funeral Home, 301 Frederick Road) with significant amount of traffic during funeral services.
3. The Board of Appeals has already granted permission to change the zoning of 307 Frederick Road from DR5.5 to R.O.
4. The property known as 401 Frederick Road has long been used as an office. This office is adjacent to Catonsville Commerce Center which is located at 403 Frederick Road, and also a large office building which is located at 405 Frederick Road.
5. The house across the street from this property known as 310 Frederick Road is also used as an office.

JOHN P. GEISS
ATTORNEY & COUNSELOR AT LAW
623 EDMONDSON AVENUE
CATONSVILLE, MARYLAND 21228

(301) 788-9422

FAX (301) 744-6567

March 1, 1990

TO: Baltimore County Board of Appeals
FROM: A. Shams Pirzadeh
RE: 303 Frederick Road

Enclosed please find Petition for Rezoning Reclassification to be filed on behalf of A. Shams Pirzadeh and Gity Shams Pirzadeh, owners of the above property. Enclosed also please find all other documents relative to and necessary to be filed with said zoning reclassification.

During the comprehensive zoning map review of 1988, the issue of the zoning of this block of Frederick Road was raised by the Office of Planning and Zoning in Issue 1-088.

The south side of the 300 block of Frederick Road is zoned DR5.5. On that block there are four buildings/individually owned structures, odd numbered 307 through 301. 301 Frederick Road is currently the site of McNabb Funeral Home, an allowed use by special exception filed in 1971 numbered 71-243-X. 303 Frederick Road is the subject property of this zoning reclassification. 305 Frederick Road is the residence of a doctor and her husband. The doctor maintains a private pediatric practice at her home. 307 Frederick Road was before this Board in Cycle I-1989, Item 2, Number R-89-452. On December 1989 this Board reclassified 307 Frederick Road from DR5.5 to R.O. An appeal by the Homeowners Association is currently pending in the Circuit Court for Baltimore County, Number 90-CO-221. The south side of the 300 block of Frederick Road is bordered by Holmhurst and Wade Avenues. The property between Wade Avenue and the Beltway is zoned R.O. The R.O classification exists on the north side of Frederick Road on all the properties except 308 Frederick Road. Other properties adjacent to this property have the classification of 0.1 and BL-CNS. The houses immediately behind the subject property and the other houses on the 300 block of Frederick Road are all zoned DR5.5.

John P. Geiss, Esquire
Attorney for Petitioner

The south side of the 300 block of Frederick Road is zoned DR-5. On that block there are four buildings/individually owned structures, odd numbered 307 through 303. The 307 Frederick Road is currently the site of McHabb General Home, an allowed use by special exception filed in 1971 under Ordinance 17-243-X. The 303 Frederick Road is the subject property of this zoning reclassification. The subject property was formerly the residence of a doctor and his wife. The doctor maintains a private pediatric practice at her home. The 307 Frederick Road was before the Board in Cycle I-1989, Item #307. Frederick Road was before December 1989 this Board reclassified the Number R-89-452. From D-5 to R.O. An appeal from the Homeowners' Association is currently pending in the Circuit Court for Baltimore County, Number 90-CG-221. The subject property is located between Frederick Road as bounded by Holmhurst and Wade Avenues. The R.O. Frederick Road is bounded by the subject property, Frederick Road on all sides except the north side where it abuts Frederick Road. Other properties along Frederick Road have the classification of O.R. and the adjacent to this property immediately behind the subject property are all zoned C-NS. The houses on the 300 block of Frederick Road are all zoned DR-5.

John P. Geiss, Esquire
Attorney for Petitioners

1. This property is located in a highly traffic road, very close to an exit to the Beltway, and it is not appropriate for residential use.
2. This property is adjacent to a funeral home (McNabb Funeral Home, 301 Frederick Road) with significant amount of traffic during funeral services.
3. The Board of Appeals has already granted permission to change the zoning of 307 Frederick Road from D85.5 to R.O.
4. The property known as 401 Frederick Road has long been used as an office. This office is adjacent to Gastonville Commerce Center which is located at 403 Frederick Road, and also a large office building which is located at 405 Frederick Road.
5. The house across the street from this property known as 310 Frederick Road is also used as an office.

ASP:d1

cc: File
John P. Geiss Esq

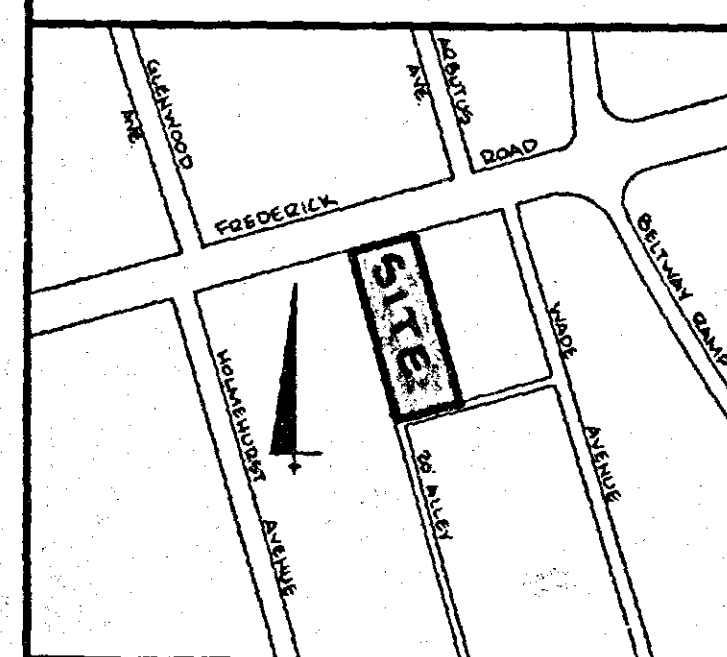
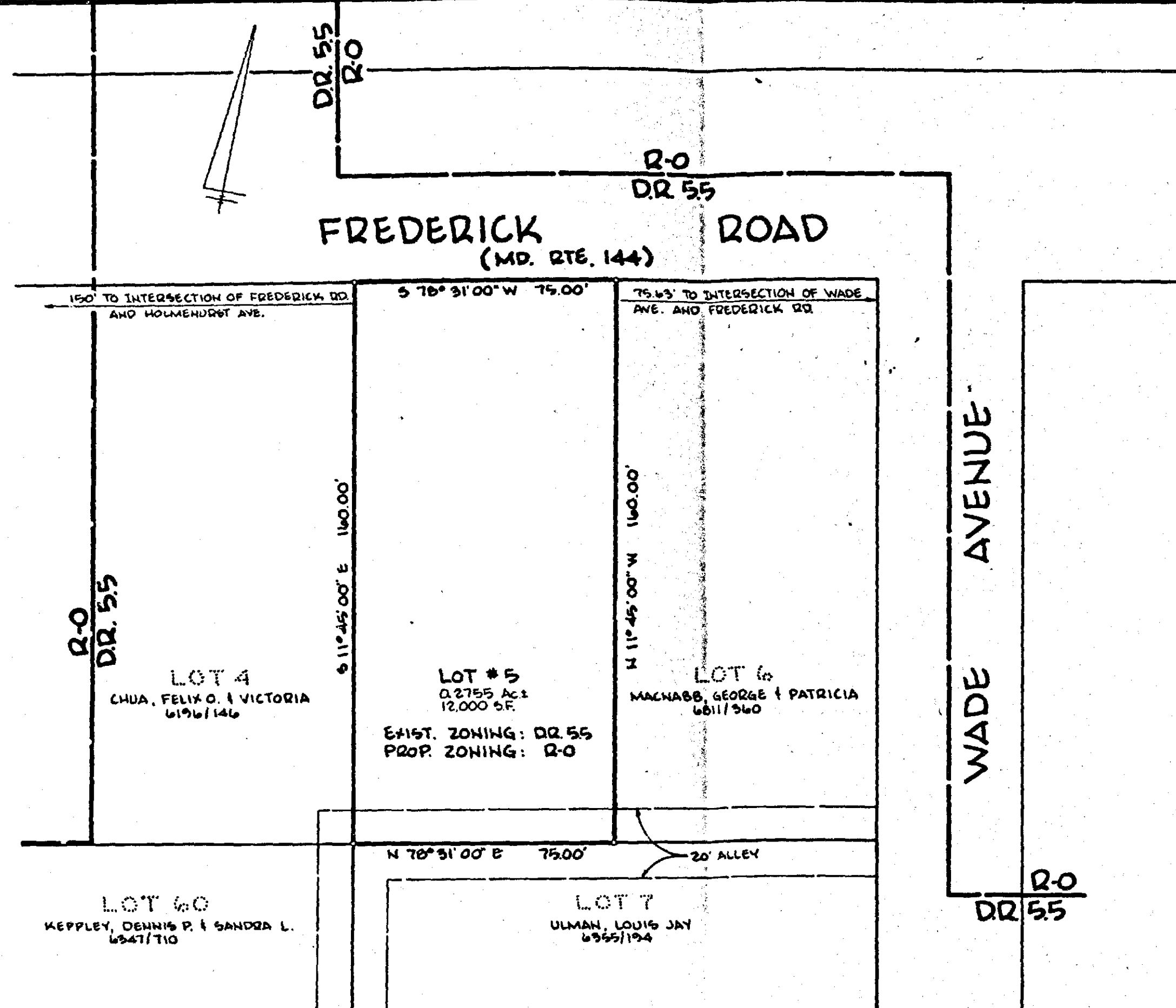
District 1st. Date of Posting August 15, 1990
 Posted for: Reclassification
 Position: A. Shomo Pingashe M.D.
 Location of property: 513 Frederick Road, 95.63 W. Wade Avenue
303 Frederick Road
 Location of Sign: In front of 303 Frederick Road

Remarks: _____
 Posted by: E.J. Grata Date of return: August 17, 1990
 Number of Signs: 1 Signature _____

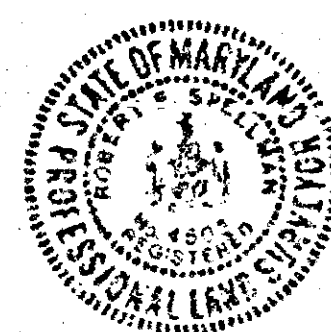
THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

S. Zeke Orlov
Publisher
P.O. 106278
\$ 79.26



LOCATION MAP
SCALE: 1" = 200'



REVISIONS		
NO.	DATE	DESCRIPTION

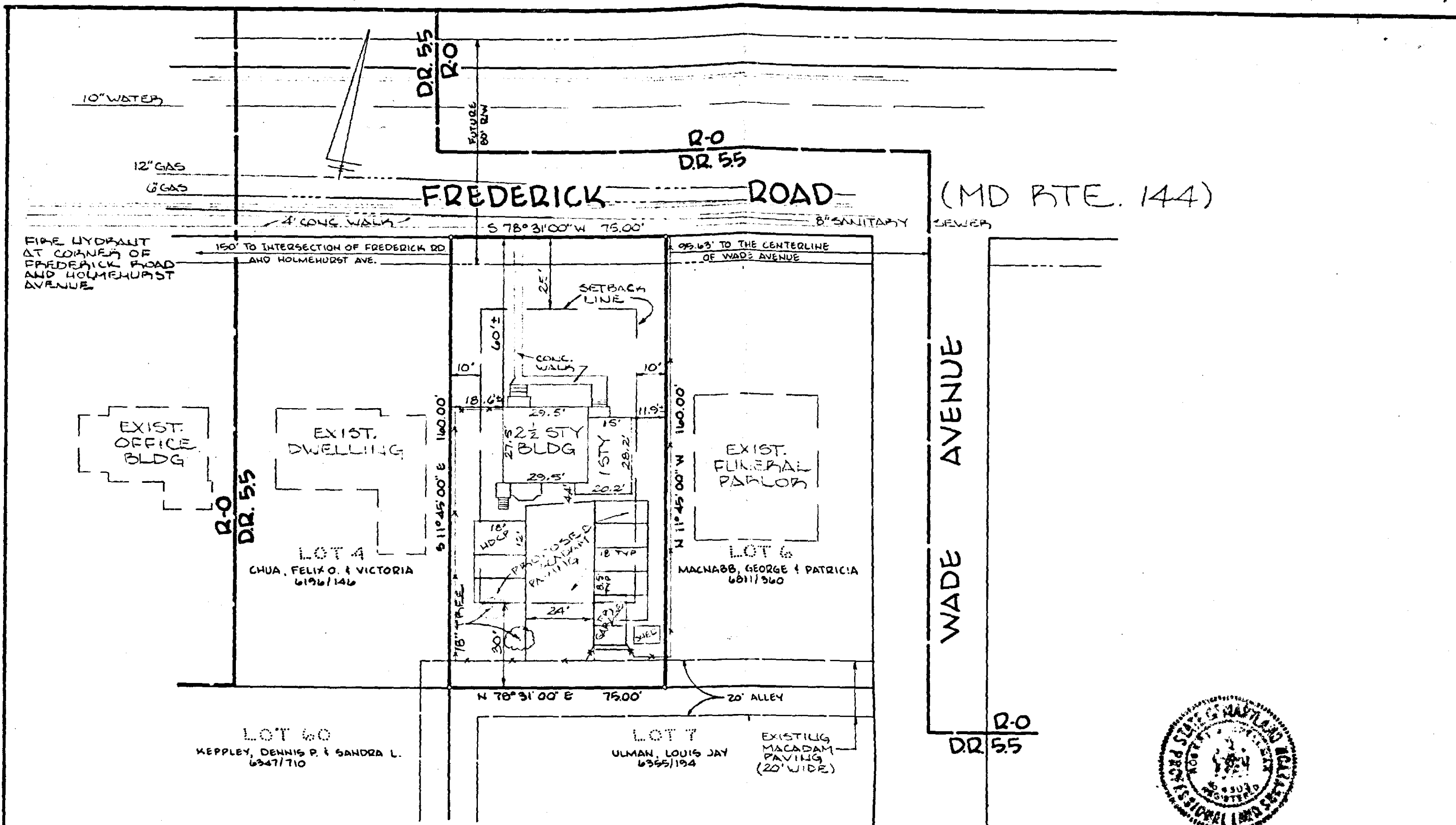
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

#1
R-90-400

PLAT TO ACCOMPANY PETITION FOR ZONING RECLASSIFICATION
#303 FREDERICK ROAD
ELECTION DISTRICT 1 COUNCILMANIC DISTRICT 1
BALTIMORE CO., MARYLAND

SCALE: 1" = 30' DES. BY: JMB
DATE: Feb. 26, 1990 DRN BY: JMB SHT. 1 OF 1

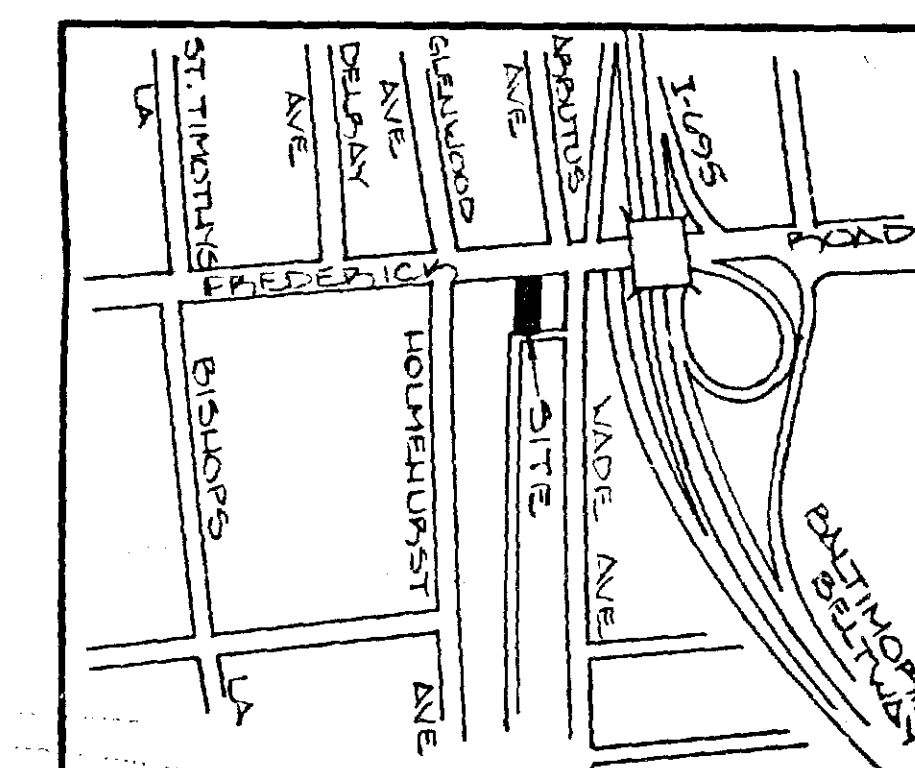
90015



GENERAL NOTES

- EXISTING ZONING : D.P. 5.5
- PROPOSED ZONING : R-O
- TRACT AREA : 12000 SQ. FT. = 0.2755 AC. ±
- BUILDING AREA :
1ST FLOOR : 1257.13 SQ. FT.
2ND FLOOR : 811.25 SQ. FT.
TOTAL : 2068.38 SQ. FT.
- REQUIRED PARKING
1ST FLOOR : 1257 ÷ 300 = 4.19 = 5 SPACES
2ND FLOOR : 811 ÷ 500 = 1.62 = 2 SPACES
TOTAL : 7 SPACES
- PROPOSED PARKING : 8 SPACES
- EXISTING GARAGE TO BE RAZED
- ZONING CASE No. 90-400
- FLOOR AREA RATIO :
2068 ÷ 12000 = 0.1723

Original open plan - now documented
Not close!
Tops, Elevations, Easements, Notes
E.I.S., Signs
Class "A" or "B" with add new or recent
Class "B" variances



VICINITY MAP
SCALE: 1" = 500'

REVISIONS		
NO.	DATE	DESCRIPTION

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 107, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

PLAT TO ACCOMPANY
PETITION FOR
ZONING RECLASSIFICATION

#303 FREDERICK ROAD
ELECTION DISTRICT 1 COUNCILMANIC DISTRICT 1
BALTIMORE CO., MARYLAND

SCALE: 1" = 30' DES. BY: JMB
DATE: OCT. 15, 1990 DRN BY: JMB/DEF SHT. 1 OF 1

90015